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June 29, 1994

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

In the Matter of Administration of the North American
Numbering Plan - CC Docket No. 92-237

Dear Secretary Caton:

Enclosed please find an original and nine copies of the
Reply Comments of the New York State Department of Public Service
in the above captioned proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Penny Rubin'.

Penny Rubin
Assistant Counsel

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Before the
Federal Communications Commission
Washington, D.C. 20554

JUN 5 1994

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In the Matter of

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Administration of the North American
Numbering Plan

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CC Docket No. 92-237
Phases One and Two

Reply Comments of
New York State Department of Public Service

INTRODUCTION AND SUMMARY

The New York State Department of Public Service (NYDPS) submits these reply comments in response to the Public Notice (hereinafter "Notice") released April 4, 1994 requesting comment on the future administration of the North American Numbering Plan (NANP).

In the Notice, the Commission tentatively concluded that a single non-governmental entity should assume administration of the NANP. This entity would assign numbers following principles and guidelines established by a policy making board. The Commission also concluded that this entity should perform the additional functions associated with the assignment of central office codes. Notice ¶ 4 and ¶ 29.

The NYDPS supports the establishment of an NANP advisory board to assist in establishing numbering policy and resolving disputes. The board structure should provide adequate representation of state regulators and should allow individual states significant input on intrastate numbering issues (NXX assignment, NPA implementation, NPA/NXX boundaries, NPA overlays,

and home area code dialing procedures). We believe that the states have considerable expertise and should be allowed the flexibility to choose different solutions to problems where those approaches better meet their needs. Therefore, the board's charter should provide for state input on matters affecting that state and should provide an avenue for continued experimentation in individual states.

I. Creation of a Numbering Plan Board.

The NYDPS concurs with the comments of the various parties supporting the creation of a numbering plan board to guide the NANP administrator and to assist in establishing numbering policy and resolving disputes.¹ This board should include representation from state public utility commissions given their experience in this area. Meaningful state input can only improve the quality of the board's decisions and ensure that local concerns are adequately represented.

II. NPA Relief & Assignment of NPA Boundaries.

As we stated in our earlier comments² and now in support of the comments of various parties,³ we believe that the NANP must be administered to ensure a sufficient quantity of

¹ See e.g. Comments of Metropolitan Fiber Systems pp. 4-5, Nextel p. 5, and GTE p. 8.

² Letter from William J. Cowan, General Counsel, New York State Department of Public Service to Donna R. Searcy, Secretary, Federal Communications Commission regarding Notice of Inquiry, dated December 22, 1992.

³ See e.g., Comments of AT&T p. 4, NYNEX pp. 5-6, GTE p. 8, and Nextel pp. 3-4.

telephone numbers to meet the needs of customers and service providers. The plan should be sufficiently flexible, accessible, and open in design to encourage the development of new services, new technologies, and competition in the telecommunications industry. It was our view then, as now, that a central component of the long range numbering plan should be the encouragement of number portability.

Although NPA relief has been administered at a national level, the details of such relief have been subject to considerable input from the states. This process should be maintained, and the Commission should continue to ensure that the process used to provide NPA relief allows sufficient opportunity for input from the states. At a minimum, any consideration of NPA relief should lead to notification of the affected jurisdiction and should allow affected jurisdictions a specific amount of time in which to forward their views to the national administrator. Prior to implementation of any relief, states should be provided an opportunity to appeal the administrator's decision.

Public input from State Commissions and other interested persons is a critical precondition to any changes in numbering plans. For example, unprecedented growth in the demand for telephone numbers in New York City triggered a proceeding in New York that changed the geographic areas and types of services

assigned to the 212 and 718 NPAs.⁴ The goal of the proceeding was to provide the greatest quantity of new telephone numbers while minimizing customer inconvenience. In particular, we sought to prevent the division of the Borough of Manhattan into two separate geographic NPAs and, by that, avoid the need for "1" plus ten digit local dialing. Based upon the views expressed at Public hearings and through written correspondence, the New York Public Service Commission (NYPS) determined that all Bronx landline telephone numbers should be assigned to the 718 NPA (effective May 1993) and all pagers and cellular telephones to a newly created overlay area code, the 917 NPA.⁵

Moreover, adequate time for state input will produce more reasoned solutions. For example, the decision to introduce the 917 NPA as an "overlay" code was originally opposed by Bellcore as inconsistent with the national guidelines. Later, Bellcore pointed to the option of overlay NPAs as a possible approach to code relief problems that should be studied further.⁶

⁴ Case 90-C-0347 - Proceeding on Motion of the Commission pursuant to Section 97(2) of the Public Service Law concerning the supply of telephone numbers available to New York Telephone in New York City, Order Approving Stipulation, Issued and Effective January 7, 1991.

⁵ New cellular and pager telephones will be assigned to 917 immediately, while existing users of these services will be transferred to 917 during a transition period. Moving these services out of the 212 area code is expected to provide for approximately ten years of additional number demand in Manhattan.

⁶ Bellcore Informational Letter - 93/01-008 North American Numbering Plan Administrator's Proposal on the Future of Numbering in WZ1 - 2nd Ed. p. 35

This kind of experimentation may not have occurred absent state involvement.

III. Central Office Code Assignments Should Continue to Consider State Interests.

The Commission has proposed to transfer authority for central office code assignments to the new national number administrator. Any transfer of authority to a national administrator must assure that there is sufficient state input given the complexity of assigning central office codes. For example, when New York consumers complained about minors accessing adult-oriented information services, the NYDPS negotiated the transfer of these information services to a separate NXX to facilitate blocking of these services.⁷ New York was the first state to recognize the valid interests of local exchange competitors by facilitating the assignment of NXX codes in the 212 area code to non-traditional carriers. When Metropolitan Fiber Systems (MFS) and Teleport requested the assignment of NXXs, the NYPSC ordered NYNEX, the state's NANP administrator, to work collaboratively to assign NXXs to these certified carriers.⁸

⁷ Case 88-C-099 - Proceeding on Motion of the Commission to Consider Proposed Tariff Revisions to Introduce Interactive Information Network Services, Call Blocking Service, and to Modify Regulations Relating to Mass Announcement Service.

⁸ Order in Case 92-C-0665 - Proceeding on Motion of the Commission to Investigate Performance-based Incentive Regulatory Plans for New York Telephone, issued and effective October 4, 1993.

Moreover, the assignment of central office codes by a national administrator does not relieve incumbent carriers from their obligations under state law. Therefore, before a national entity assigns those codes, it should ensure that the new carriers have obtained the necessary state authorizations to provide local exchange service.

CONCLUSION

The NYDPS supports the establishment of an NANP advisory board to assist in establishing numbering policy and resolving disputes. The board structure should provide adequate representation of state regulators and should allow individual states significant input on intrastate numbering issues. Most importantly, the NANP administrator should seek active involvement from state regulators on numbering matters that have been traditionally subject to state oversight.

Respectfully submitted,



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Dated: Albany, New York
June 29, 1994

CC Docket 92-237

In the Matter of Administration of the North
American Numbering Plan

Reply Comments of the
New York State
Department of Public Service
On The Notice of Proposed Rulemaking

CERTIFICATE OF SERVICE

I, Penny Rubin, hereby certify that nine copies of the above-captioned proceeding were sent via Federal Express to Mr. Caton, and by first class United States mail, postage prepaid, to all parties on the attached service list.



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DATED: June 29, 1994
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